

**REMARKS:**

Entry of the foregoing and reexamination and reconsideration of the subject application, as amended, pursuant to and consistent with 37 C.F.R. § 1.116, are respectfully requested in light of the remarks which follow.

By the present amendment, claim 21 has been revised to recite a method wherein "the sequence of each DNA molecule is identified on the basis of the relative quantities of each mass label recorded in step (d) and the unique amount of each DNA molecule." Exemplary support for this amendment can be found in the Specification at page 7, lines 18-20, and pages 14-15. Entry of the amendment is proper as it is believed to place the subject application in condition for allowance.

At the outset, Applicants' representative would like to thank Examiner Forman for the courteous telephonic interview on October 20, 2005. During that interview, the currently presented amendment to claim 21 was discussed. Examiner Forman tentatively agreed that the amendment appeared to place the application into condition for allowance over the cited art. See the Interview Summary mailed October 26, 2005. Examiner Forman also indicated that if the amendment was formally presented and she came to a final conclusion that the amendment placed the application in condition for allowance, then the amendment would be entered. A Terminal Disclaimer was also to be submitted to address the obviousness-type double patenting rejection.

***Claim Rejection Under 35 U.S.C. § 102(b)***

Claims 21-32 were rejected under 35 U.S.C. § 102(b) as being anticipated by Southern et al (WO 95/04160). The Official Action stated that:

" . . . the claims, as written, do not define the inventive relationship between the unique amount of DNA and cleaved mass label. . . .

. . . It is suggested that the claims be amended to clearly define the quantitative relationship between the amounts of DNA and cleaved label whereby the sequence of the DNA is revolved by analysis of cleaved label having that relationship." (Official Action at page 2)

As discussed with Examiner Forman during the interview on October 20, 2005, the amendment to claim 21 clarifies the relationship between the amounts of DNA and cleaved

label by reciting that "the sequence of each DNA molecule is identified on the basis of the relative quantities of each mass label recorded in step (d) and the unique amount of each DNA molecule." Accordingly, withdrawal of the § 102 rejection is requested.

***Double Patenting Rejection***

Claims 1-32 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-18, 20-24, 27 and 28 of copending Application No. 09/462,408. While not conceding as to the propriety of this rejection, a Terminal Disclaimer with respect to copending Application No. 09/462,408 is nevertheless submitted herewith in order to expedite prosecution of the subject application. Withdrawal of the obviousness-type double patenting rejection is therefore requested.

**CONCLUSION:**

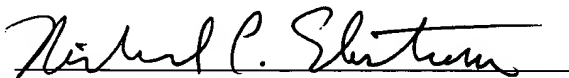
From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order and such action is earnestly solicited.

In the event that there are any questions concerning this amendment or the application in general, the Examiner is respectfully requested to telephone the undersigned so that prosecution of the application may be expedited.

Respectfully submitted,

BUCHANAN INGERSOLL PC

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By:   
Richard C. Ekstrom  
Registration No. 37,027

P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(650) 622-2300